

BRIEFING PAPER

CONFIDENTIAL

State Dept. review completed

MARITIME BOUNDARIES TREATY

The U.S.-Mexico Maritime Boundaries Treaty establishes maritime boundaries out to 200 nautical miles from the coast. The Treaty, signed in 1978 and ratified by Mexico in 1979, has not yet been approved by the U.S. Senate. In the meantime, the same boundaries have been enforced provisionally on the basis of a 1976 Executive Agreement.

The boundaries delimit both fisheries and continental shelf jurisdictions. In the Pacific, the Treaty would recognize U.S. jurisdiction over important fishing grounds as well as the principal sea lanes approaching San Diego. In the Gulf of Mexico, the Treaty would recognize Mexican jurisdiction over some deep water areas with future petroleum potential.

In 1980, the Foreign Relations Committee unanimously approved the Treaty. However, before the full Senate could act, a U.S. geologist charged the Treaty was a "give-away" of U.S. hydrocarbon interests in the deep waters of the central Gulf. At Senator Boschwitz' behest, floor action on the Treaty was deferred until such charges could be studied. The Treaty has remained under consideration in the Senate.

In 1981, the U.S. Geological Survey completed a report which noted that the oil and gas potential of the area left to Mexico could not be determined. The technology needed to drill in the deep waters of the Gulf has not yet been developed.

Senator Percy is again willing to schedule additional hearings (postponed from May 1982 at the Department's request) and to support the Treaty, but the Administration has yet to determine its position. The relevant bureaus in the Department of State support the Treaty. State is awaiting the views of the Department of Interior and needs to assess the likelihood of success before pressing for Senate action.

Mexican officials have repeatedly asked if the Department is urging the Senate to approve the Treaty. The most recent such query was made during Assistant Secretary Malone's March visit to Mexico City and was raised in connection with discussions on a possible maritime research agreement. Department and Embassy officials have sought to deter any possible Mexican effort to link U.S. approval of the Treaty with the negotiation of such an agreement which is of great interest to the USG and our scientific community.

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